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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,068	10/10/2001	Jacques Camerini	SCHN:009	4672

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EXAMINER

AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/973,068	CAMERINI ET AL.	
	Examiner	Art Unit	
	Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's prior submissions filed on 30 September 2005, 26 October 2005 have already been entered.

Claim Objections

2. Claim 12 is objected to because of the following informalities: A typographical error is present on line 2 of the claim. Specifically, the "(" before the word "connected" should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

Art Unit: 2142

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Synnestvedt et al. (U.S. 6,598,057), hereinafter referred to as Synnestvedt in view of what was well known at the time of the Applicant's invention.

6. Regarding claim 1, Synnestvedt disclose a configuration method for an automation module on a TCP/IP network which at least one item of automation equipment also is connected, the method in sequence comprising:

assigning an application name for the automation module, said application name being unique on the TCP/IP network (col. 2, lines 47-51 and col. 4, lines 60-63);

sending by the automation module a request address query on the TCP/IP network, the request address query comprising the application name of the automation module and being in conformance with DHCP protocol (column 1, lines 54-57, col. 3, lines 43-48, col. 4, lines 5-8, and col. 5, lines 36-41, In the background of the Invention, column 1, lines 54-57, Synnestvedt discloses the use of DHCP. DHCP ("Dynamic Host Configuration Protocol") is a network application protocol that assigns a temporary IP address to a network device automatically when the network device connects to the network. The use of DHCP is deemed as being well known in the art, specifically what is well known is the step of assigning addresses using the DHCP protocol in a TCP/IP

Art Unit: 2142

networking environment. The Examiner therefore takes official notice that the use of DHCP is well known in the art.); and

sending by the automation module a read configuration query in conformance with FTP or TFTP protocol, on the TCP/IP network, to an FTP/TFTP server (col. 3, lines 40-53, specifically lines 44-48).

7. Regarding claim 2, in accordance with claim 1, Synnestvedt disclose the configuration method wherein one of said automation equipment connected to the TCP/IP network comprises a DHCP server compliant with DHCP protocol (col. 3, lines 62-67),

8. Regarding claim 3, in accordance with claim 1, Synnestvedt disclose the configuration method wherein one of said automation equipment connected to the TCP/IP network comprises an FTP/TFTP server (col. 3, lines 62-67).

9. Regarding claim 4, in accordance with claim 1, Synnestvedt disclose the configuration method wherein sending by the automation module further comprises the automation module receiving a response to the request address query from a DHCP server, said response containing an IP address and a location of a data file specific to the automation module, making possible sending by the automation module a read configuration query (col. 4, lines 5-8, col. 5, lines 28-32, and col. 6, lines 20-24).

10. Regarding claim 5, in accordance with claim 4, Synnestvedt disclose the method wherein the read configuration query uses the location of the data file for the automation module (col. 3, lines 44-48 and col. 4, lines 60-63).

11. Regarding claim 6, in accordance with claim 5, Synnestvedt disclose the configuration method additionally comprising sending by the automation module a read configuration query receiving by the automation module a response to the read configuration query from the FTP/TFTP server, the response containing the data file for the automation module, so that the automation module can then change to an operational state (col. 4, lines 5-8, col. 5, lines 28-32, and col. 8, lines 19-22).

12. Regarding claim 7, in accordance with claim 6, Synnestvedt disclose the configuration method wherein the data file of the automation module is identified by the application name of the automation module (col. 4, lines 60-62).

13. Regarding claim 8, in accordance with claim 6, Synnestvedt disclose the configuration method wherein when the automation module is in an operational state, the automation module sends a write configuration query on its own initiative to the FTP/TFTP server to update or save all or some of the automation module data file (col. 3, lines 46-53, col. 4, lines 21-26, and col. 5, lines 22-26).

14. Regarding claim 9, in accordance with claim 6, Synnestvedt disclose the configuration method wherein when the automation module is in an operational state, the automation module sends a read configuration query on its own initiative to the FTP/TFTP server to check or reload all or some of the automation module data file (col. 5, lines 22-26).

15. Regarding claim 10, in accordance with claim 1, Synnestvedt disclose the automation assembly for implementing a method of configuring an automation module, the automation assembly comprising at least one automation module connected to a

Art Unit: 2142

TCP/IP network and equipped with a first processing unit connected to a first storage means and to a first network communication interface, wherein the automation module is for storing an application name specific to the automation module in the first storage means, and for executing a DHCP client process and an FTP/TFTP agent process in the first processing unit (col. 3, lines 41-44 and col. 3, line 54 - col. 4, line 8).

16. Regarding claim 11, in accordance with claim 10, Synnestvedt disclose the automation assembly comprising first automation equipment connected to the TCP/IP network and equipped with a second processing unit connected to a second storage means and to a second network communication interface, wherein the first automation equipment is for executing a DHCP server process in the second processing unit and for memorizing a configuration table in said second storage means, thereby associating the application name of at least one DHCP client process with an IP address and a location of a data file (col. 3, lines 41-44, col. 3, line 54 – col. 4, line 8, col. 4, lines 61-63, and col. 6, lines 20-24).

17. Regarding claim 12, in accordance with claim 11, Synnestvedt disclose the automation assembly comprising a second automation equipment connected to the TCP/IP network and comprising a third processing unit connected to a third storage means and to a third network communication interface, wherein the second automation equipment is for executing an FTP/TFTP server process in its processing unit and for memorizing a data file corresponding to at least one FTP/TFTP agent process in said third storage means (col. 3, lines 41-44, col. 3, line 54 – col. 4, line 8, col. 4, lines 61-63, and col. 6, lines 20-24).

Art Unit: 2142

18. Regarding claim 13, in accordance with claim 11, Synnestvedt disclose the automation assembly wherein the first automation equipment is for executing an FTP/TFTP server in said second processing unit and for storing a data file corresponding to at least one FTP/TFTP agent in said second storage means (col. 3, lines 40-53).

Response to Arguments

19. Applicant's arguments filed 30 September 2005 have been fully considered but they are not persuasive.

20. Applicant's argue that Synnestvedt does not teach or suggest the elements of claim 1, specifically (a) "sending by the automation module a request address query on the TCP/IP network, the request address query comprising the application name of the automation module and being in conformance with DHCP protocol" followed by (b) "sending by the automation module a read configuration query in conformance with FTP or TFTP protocol, on the TCP/IP network, to an FTP/TFTP server". The Examiner disagrees with both points (a) and (b). First, in response to point (a), it is understood as best by the Examiner step (a) is utilized to assign an address (i.e. IP address) to the automation module. Examiner contends that Synnestvedt clearly suggests this step in the background of the Invention, column 1, lines 54-57: DHCP ("Dynamic Host Configuration Protocol") is a network application protocol that assigns a temporary IP address to a network device automatically when the network device connects to the network." Because of this already being well known in the art, that is, the step of assigning addresses using the DHCP protocol in a TCP/IP networking environment, part

Art Unit: 2142

(a) of claim 1 is not considered patentable over the prior art of record. Second, in reference to point (b), Examiner at best understands step (b) to be utilized in order to query for configuration data using either the FTP protocol or the TFTP protocol within a TCP/IP networking environment, the query being sent to an FTP/TFTP server.

Examiner contends the fact that Synnestvedt clearly suggests and teaches this step in an example in column 3, lines 49-53 wherein within a TCP/IP network a TFTP server is "used to perform standard TFTP services, such as downloading software upgrades to cable modems, as well as providing the new service of dynamically generating DOCSIS compliant configuration files" Step (b) is determined to be known in the art as demonstrated by Synnestvedt (simply, the ability to utilize a TFTP server to provide information, in this case "configuration information"), and therefore is not considered to be patentable over the prior art of record.

Art Unit: 2142

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

Beatriz Prieto
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PRIMARY EXAMINER